

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jeremy X. Gerald,

Case No. 5:18 CV 413

Petitioner,

ORDER ADOPTING
REPORT & RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Warden David Gray,

Respondent.

Petitioner *pro se* Jeremy Gerald, a prisoner in state custody, filed a Petition seeking a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1). This case was referred to Magistrate Judge Kathleen Burke for a Report and Recommendation (R&R) under Local Rule 72.2. Respondent filed a Motion for Default Judgment (Doc. 13). The R&R (Doc. 23) recommends this Court deny the Motion for Default Judgment and dismiss the Petition because the claims presented therein are not cognizable on federal habeas review. Petitioner has not filed an Objection.

Under 28 U.S.C. § 636(b)(1), this Court reviews *de novo* those portions of the R&R to which objections are made. Failure to file objections within the timeframe set forth in the statute constitutes a waiver of *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 153–55 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). This Court has reviewed the R&R and finds it accurately states the facts and law. This Court therefore adopts the R&R in its entirety.

Accordingly, the Petition (Doc. 1) is dismissed. The Motion for Default Judgment (Doc. 13) is denied as moot.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

December 12, 2018